

**GOVERNMENT OF TELANGANA
ABSTRACT**

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Declaration of Rathod Jaivanth Rao S/o Zapa R/o Pulimadugu (V) of Utnoor Mandal of Adilabad District by the Collector & District Magistrate, Adilabad District vide Procs. Rc.No. C3/2596/2019-21, dated 31.01.2020 - Appeal filed by Rathod Jaivanth Rao S/o Zapa R/o Pulimadugu (V) of Utnoor Mandal of Adilabad District – Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 16

Dated: 06-02-2021

Read the following:-

1. G.O. Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procs.Rc.No C3/2596/2019-21, dated 31.01.2020 of the District Collector, Adilabad District.
3. Appeal petition filed by Rathod Jaivanth Rao S/o Zapa R/o Pulimadugu (V) of Utnoor Mandal of Adilabad District, dated 20.02.2020.
4. Govt.Memo.No.305/TW.LTR/2020, dated 06.06.2020.
5. Lr.No.D5/309/2019, Dt:28.12.2019 of PO.ITDA, Utnoor Mandal, Adilabad District.
6. Notice No305/TW.LTR/2020, dated: 28-08-2020.

ORDER:

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the District Collector, Adilabad District vide her orders in the reference 2nd cited, has issued orders declaring that Rathod Jaivanth Rao S/o Zapa R/o Pulimadugu (V) of Utnoor Mandal of Adilabad District, is not a Local Scheduled Tribe as per definition of GO Ms.No.24, TW (LTR.1) Department, dt.12.06.2018, basing on the following findings arrived by the Scrutiny Committee headed by the PO ITDA Utnoor:

- Appellant appeared before the Committee on 30.11.2019 & 02-12-2019 and submitted following documents:
 - Family Tree.
 - Copy of 1950 Isvi pahani of Narsapur-B village.
 - Copy of Wasool Baqui of Narsapur-B village.
 - Copy of 1955-58 theen sala pahani of Narsapur-B.
 - Pahani extracts for 1960-61, 1965-66, 1971-72, 1981-82, 1985-86, 1992-93, 1955-56, 1999-2000, 2004-05, 2005-06 and 2008-09 for Narsapur-K village.
 - 1977 voters list copy.
 - 1971 voters list copy.
- The Scrutiny Committee conducted final hearing on 24.12.2019 and concluded with the following findings:

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- i) On verification of Family Tree & land documents submitted by the applicant:
- As per Isvi pahani 1950 of Narsapur-B village, at Sy.No.1 (Old) extent acs.10.00 – Hiranman S/o Jairam (great grandfather's brother) is recorded.
 - As per Theen Saal Pahani (1958-61), Sy.No.5 (old) of Narsapur-K, Ramu S/o Tatu Nayak (grandfather) is recorded.
 - As per 1965-66 pahani, Ramu S/o Tatu Nayak (grandfather) is recorded at Sy.No.3, extent acs.5.00.
 - As per 1992-93 pahani, Sy.No.3/34/4, extent acs.2.20 gts name of Zafya S/o Ramu (father) is recorded.
 - As per pahani 2008-09, Sy.No.3/42/B, name of Rathod Zafya S/o Ramu (father) is recorded as pattedar.
- ii) Hence, as per land documents submitted, the land records pertain to (2) different villages i.e. Narsapur-B and Narsapur-K and pertains to (3) different Sy.Nos. i.e. 1 of Narsapur-B and 5,3 of Narsapur-K village. The applicant has failed to prove how the lands are inherited in two different villages.
- iii) As per unauthenticated copy of voters list 1977 of PS No.202, Sakera village, at Sl.No.188, under H.No.2-8 Sri Ramu S/o Taty (grandfather) is available with 70 years and at Sl.No.270, H.No.2-60 Hiranman S/o Jayaram (great grandfather's brother) is recorded with age 45 years. As per voter list, the relationship between Rathod Ramu S/o Taty (grandfather) is son of Jairam (great grandfather) and heeraman (grandfather brother) is not established. The age of Ramu S/o Taty (grandfather) is 70 years, whereas the age of Hiranman S/o Jairam (great grandfather's brother) age is 45 years which is highly objectionable. Thus, the family tree is not tallied and not established.
- iv) In view of the above, the forefathers/family members of the applicant are not residing continuously in the Agency Scheduled Area since 1950 or before.
- v) Scrutiny Committee with the above observations has finally concluded that Sri Rathod Jaivanth Rao S/o Zapa R/o Pulimadugu (vg) of Utnoor Mandal of Adilabad District has failed to produce sufficient evidences to prove his continuous residence in Agency Area since 26.01.1950 to till date.

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- vi) A show cause notice was issued to Sri Rathod Jaivanth Rao S/o Zapa to attend before the Dist. Collector, Adilabad on 28.01.2020 to prove his claim as Local ST with relevant material/documents.
- vii) Accordingly, Sri Rathod Jaivanth Rao S/o Zapa had attended before the Dist. Collector, Adilabad on 28.01.2020 and submitted reply in written, produced irrelevant documents/reply that his grandfather claimed as Ramu S/o Tatyia is having land at Sy.No.1 as per Fasli 1353, but not produced continuous residence documents, failed to establish the relationship between Heeraman (claimed as grandfather's brother) & Ramu (claimed as grandfather) and has failed to prove that the forefathers'/family members of the claimant are residing continuously in the Agency Scheduled Area since 1950 or before.

3. Aggrieved by the above cancellation orders of the District Collector, Adilabad, the Appellant Rathod Jaivanth S/o Zapa R/o Pulimadugu (vg) of Utnoor Mandal, Adilabad District has filed an appeal before the Government under GO Ms.No.24, dt.12.6.2018, wherein he stated that:

- She has been selected for the post of TRT under Agency Scheduled Tribe category of Adilabad District and in pursuance of directions of the Hon'ble High Court of Telangana, Hyderabad in WP No.31426/2018 & WP No.32413/2018 dt.05.09.2018 and 14.09.2018, the appointing authorities have forwarded recruitment list of candidates to the Dist. Collector and in turn it was placed before the scrutiny committee of GO Ms.No.24, TW (LTR.1) Dept. dt.12.06.2018.
- Accordingly, he appeared before the Scrutiny Committee on 30.11.2019 and 02.12.2019 and produced documents i.e. Family Tree, Copies of Pahani for the year 1950 Isvi of Narsapur-B village, Copy of Wasool Baqui of Narsapur-B village, Theen sala pahani patrikas for the year 1955 to 1958 of Narsapur-B village and Pahani Patrikas for the years 1960-61, 1965-66, 1971-72, 1981-82, 1985-86, 1992-93, 1955-56, 1999-2000, 2004-05, 2005-06 and 2008-2009 and voters lists for the years 1971 and 1977.
- The impugned orders of rejecting local ST certificate issued by the Tahsildar, Utnoor are improper, illegal, contrary to law and standing rules, more particularly it is disproportionate, harassive and jeopardy, basing on the directions of recently issued GO Ms.No.24, dt.12.06.2018, when his forefathers are continuously residing in the notified agency area villages of Narsapur-B, Narsapur-K, Sakera etc. which are covered under the agency and notified areas prior since 1950.
- The Scrutiny committee headed by the PO ITDA Utnoor as well as the Dist. Collector, Adilabad has miserably failed to ascertain gravity of proof of continuous residence and cultivating of lands as mentioned in the khasra pahani,
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sunavai parcha and vasool baki, voter lists with family tree during verification and came to an attributed and negative opinion that the appellant herein has failed to prove how the lands are inherited in two different villages, besides residing in Narsapur-B and Narsapur-K which are different each from another and petitioner now residing at Pulimadugu village of Utnoor Mandal has failed to prove continuous residence in agency area since 26.01.1950.

- It is obligatory on the part of the scrutiny committee headed by the PO ITDA Utnoor and also the Dist. Collector, Adilabad to have mentioned tentative reasons for rejecting their residential proof, acquiring and cultivating lands in villages of Utnoor Revenue mandal which come under the agency and notified areas rightly since 1950 and failed to peruse and ascertain about continuous residence after making discrete enquiry by examining witnesses who issued certificates basing on the material record available with the concerned authorities and without affording any opportunity of hearing nor any show cause notice was issued regarding rejecting the certificate issued by the Tahsildar, Utnoor.
- Therefore, the rejection orders by the Dist. Collector, Adilabad on 31.01.2020 are against the principles of natural justice, equity and fair play, therefore, the same is liable to be set-aside.
- He has once again submitted copies of documents which clearly and disclose that his forefathers, his father etc as mentioned in the family tree clearly establish that they are the continuous residents of Narsapur-B, Narsapur-K and other notified villages, migrated to eke out their livelihood within the notified agency area.
- Hence, prayed to consider the appeal passing appropriate orders to set-aside impugned proceedings of learned Dist. Collector, Adilabad vide Procs.No.C3/2596/2019-21, dated 31.01.2020.

4. The appellant Rathod Jaivanth Rao S/o Zapa R/o Pulimadugu of Utnoor Mandal, Adilabad Dist. has submitted the following documents along with the Appeal and also during hearing on 5.9.2020.

i) Family Tree duly Notarized shows:

- Rathod Jairam (great great grandfather) has (5) sons namely 1) Munna **2) Tatu (great grandfather of appellant)** 3) Kashiram 4) Mersing and 5) Heeraman.
- Tatu (great grandfather) has one son namely **Ramu (i.e. grandfather of appellant).**
- Ramu (grandfather of appellant) has (5) sons namely 1) Fakeera 2) Bheekari 3) Noorsingh 4) Sadasingh and **5) Zapa (father of appellant).**

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- Zapa (father of appellant) has two sons and one daughter namely **1) Jaivanth Rao (son and appellant)** 2) Aruna (daughter) and 3) Laxman (son).
- ii) Pahani of 1943 – Narsapur-K village – Utnoor Taluql – shows name of Ramu S/o Tatya in Sy.No.1 for an extent of acs.0.10 gts.
- iii) Pahani for the year 1950 ESWI, Narsapur-B village, Utnoor Taluq – show names of 1) Heeraman S/o Jairam (youngest brother of great grandfather Tatu) in Sy.No.17 for an extent of 20 acres, 2) Kashiram (younger brother of great grandfather Tatu) in Sy.No.18 for an extent of acs 12.00 and 3) Mersingh (another younger brother of great grandfather of appellant Tatu) in Sy.No.22 for an extent of acs.16.00.
- iv) Khasra Pahani 1954-55 – Narsapur-K village – Utnoor Taluq.
- v) Pahani Patrak of Narsapur-B village, Utnoor Taluq – for the years 1955-56, 1956-57, 1957-58 – show names of 1) Heeraman (youngest brother of great grandfather Tatu) for an extent of acres 20 (1955-56), 15 acres (1956-57 and 1957-58).
- vi) Pahani Patrak of Narsapur-K village, Utnoor Taluq – for the years 1958-59, 1959-60 and 1960-61 – name of Ramu S/o Tatu Nayak (grandfather of appellant) was recorded.
- vii) Pahani Patrak of Narsapur-K village for the year 1965-66 – name of Ramu S/o Tatya (grandfather of appellant) was recorded for an extent of 5 acres.
- viii) Pahani Patrak of Narsapur-K village for the year 1971-72 – name of Ramu S/o Tatu (grandfather of appellant) was recorded.
- ix) Pahani Patrak of Narsapur-K village for the year 1972-73 – name of Ramu S/o Tatu (grandfather of appellant) was recorded for an extent of acres 12.00.
- x) Pahani for the year 1981-82 of Narsapur-K village – name of Ramu S/o Tatu (grandfather of appellant) was recorded for an extent of acs.10.00 in Sy.No.3/34 (Laoni patta).
- xi) Pahani for the year 1985-86 of Narsapur-K village – Utnoor Mandal – name of Ramu S/o Tatu R/o Sakera (grandfather of appellant) was recorded for an extent of acs.10.00 in Sy.No.3/34.
- xii) Pahani for the year 1987-88 – Narsapur-K – Utnoor Mandal – name of Ramu S/o Tatu (grandfather of appellant) was recorded for an extent of acs.10.00 in Sy.No.3/34.

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- xiii) Pahani for the year 1992-93 – Narsapur-K village – Utnoor Mandal – Zapa S/o Ramu (father of appellant) was recorded for an extent of acres 2 and 20 guntas in Sy.No.3/34/4.
- xiv) Pahani for the year 1993-94 – Narsapur-K village – Utnoor Mandal – Rathod Zafa S/o Ramu (father of appellant) was recorded for an extent of 4 acres and 8 guntas in Sy.No.3/42B.
- xv) Pahani for the year 1994-95 – Narsapur-K village – Utnoor Mandal – Rathod Zafa S/o Ramu (father of appellant) was recorded for an extent of 4 acres and 8 guntas in Sy.No.3/42B.
- xvi) Pahani for the year 1995-96 – Narsapur-K village – Utnoor Mandal – Rathod Zafa S/o Ramu (father of appellant) was recorded for an extent of 4 acres and 8 guntas in Sy.No.3/42B.
- xvii) Pahani for the year 1996-97 – Narsapur-K village – Utnoor Mandal – Rathod Zafa S/o Ramu (father of appellant) was recorded for an extent of 4 acres and 8 guntas in Sy.No.3/42B.
- xviii) Pahani for the year 1998-99 – Narsapur-K village – Utnoor Mandal – Rathod Zafa S/o Ramu (father of appellant) was recorded for an extent of 4 acres and 8 guntas in Sy.No.3/42/B.
- xix) Pahani for the year 1999-2000 – Narsapur-K village – Utnoor Mandal – Rathod Zafa S/o Ramu (father of appellant) was recorded for an extent of 4 acres and 8 guntas in Sy.No.3/42/B.
- xx) Pahani for the year 2004-05 – Narsapur-K village –Utnoor Mandal – Rathod Zafa S/o Ramu (father of appellant) was recorded for an extent of 4 acres 8 guntas in Sy.No.3/42/B.
- xxi) Pahani for the year 2008-09 – Narsapur-K village – Utnoor Mandal – Rathod Zafa S/o Ramu (father of appellant) was recorded for an extent of 4 acres 8 guntas in Sy.No.3/42/B.
- xxii) Old PPB bearing Patta No.45 issued by MRO Utnoor in favour of Rathod Zafa S/o Ramu (father of appellant) for an extent of 4 acres 8 guntas in Sy.No.3/42/B in Narsapur-K village.
- xxiii) New PPB bearing No.T13180090033 – Khata No.45 – Narsapur-Khurd village – Utnoor Mandal – issued by Tahsildar, Utnoor in favour of Rathod Zafa S/o Ramu (father of appellant) for an extent of acs.4.08 guntas in Sy.No.3/42/B.

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- xxiv) Wasool Baqi Register – Narsapur-B village – Utnoor Taluq – shows name of Heerya S/o Jairam (youngest brother of great grandfather Tatu) in Sy.No.42 for an extent of 20 acres.
- xxv) Sethwar – Narsapur-K village – Utnoor Taluq – shows name of Rathod Zafa (father of appellant) for an extent of 4 acres 8 guntas in Sy.No.42/B.
- xxvi) Takhta No.5,6,7 – Faisal Patti – Narsapur-K village – 1989-90 – show names of Mersingh S/o Jairam (younger brother of great grandfather Tatu) for an extent of 9 acres 12 guntas and his son Thukaram for an extent of 7 acres 29 guntas.
- xxvii) Voter list for the year 1971 – 237 Boath Assembly Constituency – Taluq: Utnoor – village: Sakera – Firka: Indravelli – Part No.202 – show names of 1) Ramu S/o Tatyra (grandfather of appellant) aged 70 years, his wife Smt.Devakibai W/o Ramu (i.e. grandmother of appellant) aged 60 years and Bhikari S/o Ramu (i.e. elder brother of appellant) aged 30 years at Sl.Nos.188, 189 and 190 respectively under H.No.2-8.
- xxviii) Voter list for the year 1977 – 237 Boath Assembly Constituency – Taluq: Utnoor – village: Sakara – Firka: Indravelli – Part No.202 – show names of 1) Ramu S/o Tatyra (grandfather of appellant) aged 70 years, his wife Smt.Devakibai W/o Ramu (i.e. grandmother of appellant) aged 60 years and Bhikari S/o Ramu (i.e. elder brother of appellant) aged 30 years at Sl.Nos.188, 189 and 190 respectively under H.No.2-8. For this voter list Sri T.Gurvareddy, B.A. LL.B., was Electoral Registration Officer of 237 Boath Assembly Constituency and Revenue Divisional Officer, Adilabad – Xerox copy attested by Medical Officer, RIMS Adilabad.
- xxix) Voter list for the year 1993 – 243 Khanapur (ST) Assembly Constituency – Pulimadugu village – Utnoor Mandal – Adilabad Dist. – Polling Station No.2 – names of Rathod Zafa (father of appellant) and Rathod Gaminibai W/o Zafa (mother of appellant) were recorded at Sl.Nos.68 and 69 under H.No.2-82.
- xxx) Certificate of Proof of Local ST Candidate issued by MRO, Utnoor – wherein it was certified that Rathod Jaiwanth Rao S/o Rathod Japa aged 21 years belonging to ST Lambada Tribe has been residing in Sakera village of Utnoor Mandal, Adilabad District which falls within the scheduled area from 26.1.1950. His parents have been residing in SAKera village of Utnoor Mandal which falls within the scheduled area since 26.1.1950.
- xxxi) Certificate of Proof of Local ST Community bearing

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No.E/459/2009, dt.31.1.2009 issued by Tahsildar, Utnoor Mandal certifying that Mr.Rathod Jaivanth Rao S/o Zapa aged about (27) years (DoB is 08.01.1982) belongs to Lambada (ST) community is resident of Pulimadugu village of Utnoor Mandal which falls within the Scheduled Area w.e.f. 26.1.1950. His parents are residents of Pulimadugu village which falls within the Scheduled Area w.e.f. 26.1.1950.

- xxxii) Village Elders Declaration duly attested by Sarpanch and Upa Sarpanch of Gram Panchayat: Jamalthanda, Utnoor Mandal – wherein it was declared that Sri Rathod Jairam has five sons namely 1) Munna 2) Tatu (Tatya) 3) Kasiram 4) Mersingh and 5) Heeraman. Of these (5) sons, second namely has one son and his name is Ramu who has five sons i.e. 1) Fakira 2) Bhikari 3) Noorsingh 4) Sadasingh and 5) Zapa. This family has been living in Jemlanaikthanda H/o Sakera-J village from before 1940 doing agriculture in their lands situated in Narsapur-B, Narsapur-K villages. Narsapur-B is revenue village and Narsapur-K is its habitation. Both these villages also fall in Utnoor Mandal.
- xxxiii) GP Pulimadugu, Mandal: Utnoor Resolution – wherein the Family Tree as stated above was mentioned. It was further mentioned in the Resolution that Sri Jairam (i.e. great great grandfather of appellant) had married three women – 1st wife Smt.Bhikkibai gave birth to two sons namely 1) Tatu 2) Kasiram – 2nd wife Smt.Mangatibhai gave birth to two sons namely 3) Munna 4) Mersingh and 3rd wife Smt.Dagadibai gave birth to a son namely 5) Heeraman. It was further stated that Narsapur-K is part of Narsapur-B revenue village and called as Narsapur village. Their family from their ancestors have agriculture land in these villages and these two are adjoining villages. They lived in Sakera village which is also situated at a distance of 1 KM to Narsapur village. In the year 1990, they migrated to Pulimadugu village. Both Pulimadugu and Sakera are situated in the same Gram Panchayat and in the same Utnoor Mandal – which are also notified as schedule villages from the year 1950 onwards. In the foot-note, it was further stated that Sri Heeraman was born to 3rd wife of Jairam (i.e. great great grandfather of appellant). Due to marrying 3rd wife lately, there is variation in the ages of Tatu (i.e. great grandfather of appellant) and his younger brother i.e. Heeraman.

5. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit connected documents pertaining to the case along with para-wise remarks.

6. Accordingly, vide reference 5th read above, the P.O.ITDA, Utnoor Adilabad District has submitted original record of the case along with para wise remarks.

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7. Vide reference 6th read above, a Notice has been to the Appellant to attend for hearing on 05.09.2020 at 11.00 AM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 05.09.2020 submitted documents in support of her claim that they have been residing in the Agency Area since 26.1.1950.

8. All the documentary evidences produced by the appellant amply establish that the appellant and his ancestors have been continuously residing in the agency villages i.e. Sakera, having agricultural lands in Narsapur-B Revenue village and its habitation namely Narsapur-K in Utnoor Mandal and now living in Pulimadugu village of Utnoor Mandal. All these (3) villages are Agency villages of Adilabad District as per Presidential Order, 1950 w.e.f. 7.12.1950.

9. Government after careful examination of the documents available on record sent by the PO, ITDA, Utnoor, Adilabad District, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018 it is found that the Appellant Rathod Jaivanth Rao S/o Zafa R/o Pulimadugu village and his fore-fathers have been the continuous residents of agency villages Sakera, having agricultural lands in Narsapur-B Revenue village and also its habitation village i.e. Narsapur-K and presently also residing in Pulimadugu village which is also agency village – all these villages are agency villages in the same Utnoor Mandal.

10. Accordingly, Government hereby set aside orders of the Dist. Collector, Adilabad in Procs.No.C3/2596/2019-21, dt.31.01.2020 and allow the Appeal Petition filed by Rathod Jaivanth Rao S/o Zapa R/o Pulimadugu village of Utnoor Mandal of Adilabad District and also treating his Local ST Community Certificate issued by the Tahsildar, Utnoor bearing No.E/459/2009, dt.31.1.2009 as valid.

11. The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr.CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Rathod Jaivanth Rao S/o Zapa, R/o Pulimadugu village of Utnoor
Mandal of Adilabad District

Copy to:

1. The Secretary, Telangana State Public Service Commission,
Hyderabad (for information & necessary action)
2. The Project Officer, ITDA, Utnoor, Adilabad District
(for information & necessary action)
3. The District Educational Officer, Adilabad
(for information & necessary action)

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4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
6. The PS to Special Secretary (TW)
7. SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER